

## **REMARKS**

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1, 50, 72 and 73 have been amended. The amendments to the claims are supported by at least Figures 11-16 of the present application. No new matter has been added.

Claims 1, 3, 4, 6-8, 10-13, 15, 18, 45-48, 50-56, 58-60, 63, 65, 70, 72 and 73 were rejected under 35 U.S.C. § 102(e) as being anticipated by Colombo (US 6,520,988) or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Colombo alone. Applicants respectfully traverse this rejection. Claim 4 was canceled previously, rendering this rejection moot as to that claim.

Colombo discloses at col. 12, line 52 to col. 13, line 20 the use of a "side port" marker on the dilator 30 or access devices *where they are engaged within the side port of an endolumenal prosthesis*. Colombo also discloses the possibility of positioning a radiopaque marker on an endolumenal prosthesis body, such as on a stent, at a location which is at or adjacent to a side port of the stent. Colombo only discloses the use of a marker on a device that is engaged within the side port of the endolumenal prosthesis or on the endolumenal prosthesis itself at the side port. The catheter 20 disclosed by Colombo is not engaged within a side port of the endolumenal prosthesis 10, and therefore does not qualify as a device or an endolumenal prosthesis upon which a marker can be provided. Therefore, Colombo fails to disclose or suggest placement of a marker on the catheter 20.

Further, Colombo fails to disclose or suggest the use of multiple radiopaque markers on both the dilator 30 and the catheter 20. Therefore, Colombo fails to disclose or suggest the first and second catheter radiopaque markers and the first and second side member radiopaque markers required by claims 1, 50, 72 and 73.

Colombo also fails to disclose or suggest a "branch stent deployment device" that is an additional feature to the side member, as required by claims 72 and 73. At least Figures 17 and 18 of the present disclosure and the related description of those Figures at page 15 of the present specification describe the structure and function of a branch stent deployment device as a separate feature from the side member. The stent deployment device 118 is typically used to deploy a branch vessel stent 116 within a branch vessel after removal of the catheter 64 and side

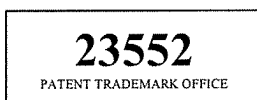
member 68. Colombo discloses only a single element (the dilator 30) that includes an expandable member and includes a radiopaque marker 33 mounted thereon. Colombo fails to provide any suggestion of using a separate structure that can perform the function of the branch stent deployment device required by claims 72 and 73. Therefore, the Examiner has failed to establish a prima facie case of obviousness related to claims 72 and 73.

Claims 5, 16, 17, 19, 42-44, 61, 62, 64, 66 and 67-69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colombo alone. Applicants respectfully traverse this rejection. As discussed above, Colombo fails to disclose or suggest every limitation of claims 1 and 50. Therefore, claims 5, 16, 17, 19, 42-44, 61, 62, 64 and 66-69 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.

Claims 14 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Colombo and further in view of Davila (US 5,851,464). Applicants respectfully traverse this rejection. As discussed above, Colombo fails to disclose or suggest every limitation of claims 1 and 50. Davila fails to remedy the deficiencies of Colombo as it relates to claims 1 and 50. Therefore, claims 14 and 57 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not otherwise concede the correctness of this rejection.


In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicants' attorney listed below at 612-371-5387.

Respectfully submitted,



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